

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 21, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VARIANCE

VAR-22167 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: DEAN SMITH - Request for a Variance TO ALLOW THE HEIGHT OF AN EXISTING ACCESSORY STRUCTURE (CLASS II) TO EXCEED THE HEIGHT OF THE PRINCIPAL DWELLING AND TO ALLOW THE SQUARE FOOTAGE TO EXCEED 50 PERCENT OF THE SQUARE FOOTAGE OF THE PRINCIPAL DWELLING on 0.5 acres at 4833 Nettie Avenue (APN 140-29-810-031), R-E (Residence Estates) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

6

City Council Meeting

1

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support postcard
7. Submitted after meeting – Recordation notice of Council action and conditions of approval for items 95 and 96
8. Backup referenced from the 08-09-07 Planning Commission Meeting Item 33

Motion made by GARY REESE to Approve subject to conditions and adding the following condition as read for the record:

- A. The structure shall remain a Class II structure for the remainder of the life of the building.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
 GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
 (Did Not Vote-None); (Excused-None)

NOTE: Motion by REESE to reconsider passed unanimously to incorporate the added condition.

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Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 95 and 96.

DEAN SMITH, 4833 Nettie Avenue, commended Council's staff for their assistance. He explained that his residence has existing garages; one was built approximately five years ago and the other 15 years ago without permits. He explained the uses of the garages; one is attached and the other is detached. In addition, they will not be utilized for living quarters now or in the future. He humbly asked for Council's approval.

COUNCILMAN REESE was concerned that upon selling the homes, what would be done with the garages.

MR. SMITH was willing to have on the deeds a restriction that would allow the structures to be used only as garages. CITY ATTORNEY BRYAN SCOTT confirmed since staff is in the process of recording the conditions of approval on these parcels of land, a condition could be placed with this restriction. With that, DOUG RANKIN, Planning and Development, read the additional condition into the record.

MAYOR GOODMAN declared the Public Hearing closed for Items 95 and 96.

